



Canada

Foreign and Commonwealth Office

London SW1A 2AH

26 February 1982

Dear David,

A.S.C. 26/2  
h.a.

Thank you for your letter of 16 February covering a copy of the letter which the Lord President had received from the Premier of Quebec. Mr Levesque also wrote in identical terms to the Leader of the House of Lords.

We believe that in the circumstances it would be right for both Ministers to send a reply briefly restating the reasons why HMG was going ahead with the Canada Bill. We think it would be preferable if both these letters could be in identical terms and I enclose a draft for that purpose.

Lord Trefgarne's Office is writing in similar terms to Lady Young's Office.

I am copying this letter to John Coles (No 10), Jim Nursaw (Attorney General's Office), Murdo Maclean (Chief Whip's Office) and David Wright (Cabinet Office).

Yours,  
A.K.C.

A K C Wood  
PS/Lord Privy Seal

D C R Heyhoe Esq  
PS/Lord President of the Council  
68 Whitehall  
LONDON SW1



DRAFT: ~~memo~~/letter/teleletter/despatch/note

TYPE: Draft/Final 1+

FROM:

Reference

Lord President of the Council/and  
The Chancellor of the Duchy of Lancaster

DEPARTMENT:

TEL. NO:

SECURITY CLASSIFICATION

TO:

Your Reference

Top Secret

Secret

Confidential

Restricted

Unclassified

M. Levesque

Copies to:

PRIVACY MARKING

SUBJECT:

.....In Confidence

CAVEAT.....

Thank you for your letter of 15 February about the Canada Bill.

As you will know, the Bill received its Second Reading in the House of Commons on 17 February. In his speech opening the debate, the Lord Privy Seal reflected the reasons why the Government have decided that it is right for us to go ahead with the Bill notwithstanding the position of Quebec. While we naturally regret that the present proposals do not enjoy the unanimous support of the Provinces, we have given weight to the decision of the Supreme Court of Canada of 28 September 1981. We believe that the agreement of nine out of the ten Provinces constitutes a substantial measure of support for the proposals and we therefore feel we would not be justified in declining to act upon the request by the Federal Government and Parliament.

Enclosures—flag(s).....

Similarly, our view is that it would not be proper for the United Kingdom Parliament to amend the Canada /Bill,



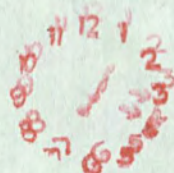
Bill, because to do so would introduce an element which had not been requested by the Parliament of Canada and would thus be inconsistent with the convention recited in the third preambular paragraph of the Statute of Westminster which we believe is the correct principle in considering how to interpret the role of the United Kingdom Parliament in the amendment of the British North America Acts.


I regret therefore that I have to say that I am unable to do as you ask in your letter.





26 FEB 1982





Privy Council Office,  
Whitehall,  
London, SW1A 2AT

*With the Compliments*

*of the*

*Private Secretary*

*to the*

*Lord President of the Council*

A.S.C. <sup>17</sup>/<sub>2</sub>

h-a.





PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

11 February 1982

Dear Adam,

.. I attach a copy of a letter which the Lord President has received from the Prime Minister of Quebec. I think that it would probably be right for Mr Pym to reply to this himself, but I would be grateful if you could let me have a proposed draft reply. I imagine that you will wish this to be in similar terms to the letter which the Prime Minister has already sent to M. Levesque.

I am sending a copy of this letter and its attachment to John Coles (Prime Minister's office), Jim Nursaw (Attorney General's office), Murdo Maclean (Chief Whip's office) and David Wright (Sir Robert Armstrong's office).

Yours ever,  
David

D C R HEYHOE  
Private Secretary

Adam K C Wood Esq  
Assistant Private Secretary  
to the Lord Privy Seal  
Foreign and Commonwealth Office  
Downing Street

FEB 1982



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Gouvernement du Québec  
Délégation générale  
de Londres

Le délégué général

February 16th 1982

I have pleasure in enclosing for your information a copy of the English version of a letter from the Prime Minister of Quebec, Mr. René Lévesque, to the Rt Hon Francis Pym, Lord President of the Council and Leader of the House of Commons. Letters were also sent to Lady Young, Lord Peart and the Rt Hon John Silkin.

Gilles Loiselle  
Agent-General for Quebec

LC/2

I think we have  
seen the envelope  
before. P.L. deal.

M 12. 2

h.a.

M 12. 2



Gouvernement  
du Québec

Le Premier ministre

February 15th 1982.

The Right Honourable Francis Pym  
Lord President of the Council and  
Leader of the House of Commons  
House of Commons  
London, SW1A 0AA  
GREAT BRITAIN

Dear Mr. Pym,

The Government of Québec respectfully requests that the Members of the United Kingdom House of Commons take cognizance of our formal opposition to the adoption of the Canada Bill now before Parliament.

As indicated in my recent letter to the Right Honourable Prime Minister, both Québec's National Assembly, by resolution, and our Government, by order-in-council, expressed Québec's opposition to the Canadian federal resolution prior to its final adoption by the Parliament of Canada. This failure to respect Québec's traditional veto right with regard to fundamental constitutional changes is now before Canada's highest courts for adjudication.

It is our view that it would be highly improper for the United Kingdom Parliament to act in the matter until the conclusion of the legal proceedings now in progress. Such action would be contrary to constitutional tradition.

We submit that there exists no urgency which would warrant precipitate action on the part of the United Kingdom Parliament. However, should the Honourable Members wish to proceed with the enactment at this time, we respectfully suggest the incorporation of an amendment in the Canada Bill which would ensure that this law would come into effect only insofar as it is compatible with Canadian constitutional conventions.

.../2



May I request that this letter be tabled in the House at the time of the second reading of the Canada Bill.

On behalf of the Government of Québec, allow me to extend to you my kindest regards.

Yours sincerely,

*René Lévesque*